

REMARKS

Claims 23, 31, and 37 to 44 have been amended. Underlining indicates added text, strikeout with square bracketing indicates deleted text. No new matter has been added.

Claims 23 to 44 are now pending. Applicants respectfully request reconsideration of the present application in view of this response.

Claims 23, 31, and 37 to 44, were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2001/0048798 to Sasaoka (“Sasaoka reference”).

The Sasaoka reference appears to concern a chromatic dispersion compensating module which realizes signal transmission at a high bit rate by its simple constitution. The reference refers to the chromatic dispersion compensating module as including a chromatic dispersion compensator which compensates for the chromatic dispersion of an optical fiber transmission line at a predetermined wavelength, and a temperature controller which controls the temperature of the chromatic dispersion compensator in such a manner to set the chromatic dispersion of the chromatic dispersion compensator at a desired value.

Claim 23 is directed to a device for adjusting the chromatic dispersion in an optical transmission system, and requires an optical element having a temperature-dependent chromatic dispersion, the optical element disposed along an optical transmission path within a receiver; a device for measuring an ambient temperature of at least one section of the optical element to generate a measured value; and a device for adjusting at least one of a temperature and a temperature distribution of at least one region of the optical element for providing a predefined chromatic dispersion of the optical element, the device adjusting in response to the measured value. Specifically, the Sasaoka reference is not believed to identically disclose a device for adjusting at least one of a temperature and a temperature distribution of at least one region of the optical element for providing a predefined chromatic dispersion of the optical element, the device adjusting in response to the measured value, as required by claim 23. Accordingly, Applicants respectfully submit that the Sasaoka reference does not identically disclose each and every feature of claim 23. Claims 31 and 38 recite features analogous to claim 23, and each is believed allowable for essentially the same reasons as claim 23. Claim 37 depends from claim 31, and claims 39 to 44 depend from claim 38, and are believed allowable for at least the same reasons. Withdrawal of the rejection under 35 U.S.C. § 102(e) of claims 23, 31, and 37 to 44, is respectfully requested.

Claim 28 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Sasaoka reference in view of U.S. Patent Publication No. 2002/0006257 to Danziger (“Danziger reference”).

Claim 28 depends from claim 23, and, as discussed above, Applicants respectfully submit that the Sasaoka reference does not disclose each and every feature of claim 23.

Accordingly, claim 28 is believed allowable over the Sasaoka reference. The Danziger reference does not cure the deficiencies of the Sasaoka reference. The Danziger reference's element reference 170 is cited to show that a temperature control device includes a thermostat, as in claim 28. However, the Danziger reference concerns a variable dispersion compensation device which uses a thermocoupler 170 to measure the temperature of a heat conducting spool 115 which is on a feedback loop. This is not the same as in claim 28 which requires a thermostat for adjusting at least one of the temperature and the temperature distribution of the optical element. Accordingly, Applicants respectfully submit that the combination of the Sasaoka and Danziger references do not teach or describe each and every feature of claim 28. Withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 28, is respectfully requested.

Claims 32, 43, and 44, was rejected under 35 U.S.C. § 103(a) as unpatentable over the Sasaoka reference in view of U.S. Patent No. 6,771,904 to Sasaki ("Sasaki reference").

Claim 32 depends from claim 31, claims 43 and 44 depend from claim 38, and, as discussed above, Applicants respectfully submit that the Sasaoka reference does not disclose each and every feature of claims 32, 43, and 44. Accordingly, claims 32, 43, and 44, are believed allowable over the Sasaoka reference. The Sasaki reference does not cure the deficiencies of the Sasaoka reference. The Sasaki reference appears to concern an optical transmission system having a test signal generator 105 for generating a test signal. However, the Sasaki reference does not teach or describe, among other things, a device, as required in the claims, for adjusting the chromatic dispersion in an optical transmission system having an optical element having a temperature-dependent chromatic dispersion, including a device for adjusting at least one of a temperature and a temperature distribution of at least one region of the optical element for providing a predefined chromatic dispersion of the optical element, the device adjusting in response to the measured value. Further, the Sasaki reference does not teach or describe how to use a test signal generator in the specific manner provided for and needed in the present invention. Instead, the test signal generator 105 in the Sasaki reference has its own requirements and specification for that specific disclosure. Accordingly, Applicants respectfully submit that the Sasaoka and Sasaki references do not teach or describe each and every feature of claims 32, 43, and 44. Each is believed allowable for essentially the same reasons as claim 23. Withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 32, 43, and 44, is respectfully requested.

In summary, it is respectfully submitted that all of rejected claims 23 to 44 are believed allowable for the foregoing reasons.

CONCLUSION

In view of the foregoing, it is believed that the rejections have been obviated, and that all claims 23 to 44 are allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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By: /Linda Lecomte/
Linda Shudy Lecomte (Reg. No. 47,084)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

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